APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/054,286	01/22/2002	Aaron G. Wells	01-574	5320

24319   7590   05/03/2007
LSI LOGIC CORPORATION
1621 BARBER LANE
MS: D-106
MILPITAS, CA 95035

EXAMINER
WENDMAGEGN, GIRUMSEW

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
05/03/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/054,286	WELLS, AARON G.
	Examiner	**Art Unit**	
	Girumsew Wendmagegn	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>01/22/2002</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) *1-3,5-20 and 22* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3,5-11,13-20 and 22* is/are rejected.

7)☐ Claim(s) *2 and 12* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments filed March 26th, 2007 have been fully considered but they are not persuasive.

In page 10, applicant argues, with respect to independent claim1 regarding the generating one or more scores and marking in response to one or more scores. Applicant argues that both Logan and Jeannin failed to disclose generating one or more scores and marking in response to one or more scores.

In response, the examiner respectfully disagrees. Jeannin detect a plurality of separators (triggering event) and determines the beginning and the ending (SCORE) by comparing plurality of separators page1 paragraph 0008. Further on page3 paragraph 0029-0034 Jeannin talks about how to generate the locations of the beginning and ending of commercial break (SCORE) in order to mark it.

In page 12, applicant argues, with respect to independent claim1 regarding the detector circuit outputting audio/video and one or more score signal and storing audio/video signal and score signal in a data storage device. Applicant argues that Jeannin and Logan, alone or in combination does not disclose detector out circuit outputting audio/video and one or more score signal and storing audio/video signal and score signal in a data storage device.

In response, the examiner respectfully disagrees. Jeannin on page3 paragraph

0026 discloses outputting the video signals and SCORE through processor 24 to

memory 26.

In page 14,applicant argues, with respect to independent claim20 regarding detector

circuit comprises (from claim19) an audio processor, a video processor and (from a

claim20) an analyzer circuit. Applicant argues, Jeannin failed to disclose a video/audio

processor and analyzer circuit.

In response, the examiner respectfully disagrees. Jeannin discloses processor

24 processes a video stream and analyzer circuit (detector 22) detects commercial

breaks.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim1, 3,5-11 and 13-20 is rejected under 35 U.S.C. 103(a) as being

unpatentable over Logan et al (patent number US 7,055,166) and Jeannin (Pub.

Number US 2003/123841).

Regarding claim1, Logan teaches a method for preventing a user from automatically advancing an audio/video signal past marked material comprising the step of: (A) detecting possible triggering events during encoding of said audio/video signal (see column13 11-30); marking a portion of said audio/video signal (see column13 11-30); and preventing said user from advancing past said marked material during playback but does not teach generating one or more scores of various levels in response to said triggering events(see column13 11-30). However Jeannin teaches generating one or more scores (see page1 paragraph 0008-0010 and page3 paragraph 0029-0034).

Regarding claim3, Jeannin teaches the method according to claim, wherein said method further comprises the step of: adapting one or more thresholds and detection criteria used to generate said one or more scores (see page1 paragraph 0010 and page3 paragraph 0029-0034).

Regarding calim5, Jeannin teaches skipping an undesirable material during said playback in response to one of said scores (see page3 paragraph 0029) but does not teach inserting alternate material in place of said undesirable material advanced past. However Logan teaches inserting alternate material in place of said undesirable material advanced past (see column20 line 8-14).

Regarding claim6, Logan teaches the method according to claim5, wherein said advancing past said undesirable material is selectively enabled and disabled in response to user input (see column18 line 54-56).

Regarding claim7, Jeannin teaches the method according to claim1, wherein one of said one or more scores is used to generate a play list used to determine a particular portion of the marked material to skip (see page1 paragraph 0010).

Regarding claim8, Logan teaches the method according to claim1, wherein step (A) further comprises recording said audio/video signal in an encoded form (see column18 line 15-19).

Regarding claim9, Logan teaches the method according to claim1, wherein step (A) includes said   triggering events occurring at a beginning of said marked material and an end of said marking material (see column11 line9-15).

Regarding claim10, Logan teaches the method according to claim1, wherein said material comprises advertisements (see column11 line 9-15).

Regarding claim11, Logan teaches the method according to claim1, wherein step (c) replaces said material with alternate material (see column20 line 5-13).

One of ordinary skill in the art at the time the invention was made would have been motivated to generate one or more score as described in Jeannin system in to Logan system because it would allow the user to obtain exact boundaries of the commercial break (see Jeannin page4 paragraph 0036).

Regarding claim13, Jeannin teaches an apparatus comprising: a detector circuit configured to generate (i) an audio/video data signal and (ii) one or more score signals of various levels in response to an input signal (see figure2 commercial detector); and a data storage device configured to (i) store said audio/video data signal and said one or more score signals and (ii) generate an output signal in response to (a) said stored audio/video signal and (b) one of said score signals (see figure2 memory 26 and page3 paragraph 0026) but does not teach apparatus is configured to prevent a user from skipping a marked portion of said stored audio/video signal. However Lord teaches an apparatus configured to prevent a user from skipping a marked portion (see column13 11-30).

Regarding claim14, Jeannin teaches the apparatus according to calim13, wherein said apparatus is integrated into an audio/video playback system (see figure2 and paragraph0023).

Regarding claim15, Lord teaches the apparatus according to claim13, wherein said data storage device generates said output signal in response to a user input (see column18 line 54-56).

Regarding claim16, Jeannin teaches the apparatus according to claim13, wherein said data storage device comprises a random access storage device (see page1 paragraph 0023 DVD).

Regarding claim17, Jeannin teaches the apparatus according to claim 13, wherein said data storage device comprises a hard disk drive (see figure2 Hard disk drive).

Regarding claim 18, Jeannin teaches the apparatus according to claim 13, wherein said data storage device comprises an optical disk drive (see page1 paragraph 0023 DVD).

Regarding claim19, Jeannin teaches the apparatus according to claim13, wherein said detector circuit comprises an audio processor and a video processor each configured to detect a plurality of triggering events used to generate said score (see page3 paragraph 0026).

Regarding claim20, Jeannin teaches the apparatus according to claim19, wherein said apparatus further comprises an analyzer circuit configured to generate said scores in response to said triggering event (see page3 paragraph 0026).

One of ordinary skill in the art at the time the invention was made would have been motivated to prevent a user from skipping a marked portion as in described in Logan in to Jeannin apparatus because it would make broadcasted commercial much effective by forcing the user to watch it (see Logan column13 line 10-16).

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claim22 is rejected under 35 U.S.C. 102(e) as being anticipated by Jeannin (Pub. Number US 2003/123841).

Regarding claim22, Jeannin teaches an apparatus comprising; a detector circuit configured to generate (i) an audio/video data signal and (ii) a plurality of score signals of various levels in response to an input signal (see figure2 commercial detector, processor 24 and page3 paragraph 0026); and a data storage device configured to (i) store said audio/video data signal and said one or more score signals (see figure2 memory 26 and page3 paragraph 0026) and (ii) generate an output signal in response to (a) said stored audio/video signal and (b) one of said score signals, wherein (i) said output signal comprises a skipped portion of said audio/video data signal in response to (a) one of said score signals and (b) a user input configured to initiate a start of said skipped portion(see page3 paragraph 0026).

Allowable Subject Matter

Claim 2 and 12 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP §706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 .

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

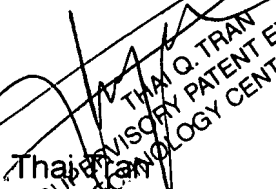MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is

not mailed until after the end of the THREE-MONTH shortened statutory period, then

the shortened statutory period will expire on the date the advisory action is mailed, and

any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date

of the advisory action. In no event, however, will the statutory period for reply expire

later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Girumsew Wendmagegn whose telephone number is

571-270-1118. The examiner can normally be reached on 7:30-5:00, M-F, alternate

Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Tran Thai can be reached on (571) 272-7382. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Thai Tran   Girumsew Wendmagegn

Supervisory Patent Examiner